

### **Remarks**

Claims 1-30 are pending in this application. In an Office Action dated April 8, 2004, the Examiner rejected claims 1-4, 7-9, 11-19, 22-24 and 26-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,742,905 to Pepe *et al.* (hereafter, Pepe). The Examiner rejected claims 5, 6, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of U.S. Patent No. 5,604,788 to Tett (hereinafter, Tett). The Examiner rejected claims 10 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of U.S. Patent No. 6,556,826 to Johnson *et al.* (hereinafter, Johnson). Applicants respectfully disagree with the Examiner's rejections and request reconsideration in light of the following remarks.

Claim 1 provides a system for delivering information to at least one subscriber. The system includes a subscriber data storage element and a wireless receiver in communication with the data storage element. A wireless distribution system is in wireless communication with each receiver/transceiver. A data delivery server contains information to be delivered to the wireless receiver. An internetworking function element receives the information and to delivers the information *based on a determined delivery event to reduce the impact of information delivery on the wireless distribution system.*

The Examiner asserts that Applicants' claim 1 is taught by Pepe. In particular, the Examiner states that Pepe discloses Applicants' internetworking function element delivering information *based on a determined delivery event to reduce the impact of information delivery on the wireless distribution system.* The Examiner's sole support for this assertion is the text from Pepe reproduced as follows:

The subscriber's message receipt and delivery options are maintained in a database which the subscriber may access by wireless or wireline communications to update the options programmed in the database.

Col. 3, ll. 51-44.

A subscriber may direct e-mail and fax delivery based on selected parameters, such as time-of-day, day-of-week, etc. A subscriber's media message notification, voice mail notification of e-mail or fax messages, e-mail notification of voice mail or fax messages, and fax notification of e-mail or voice mail messages may be delivered to the subscriber based on selected options and parameters.

Col. 23, ll. 56-62.

Neither reference teaches or fairly suggests delivering information *based on a determined delivery event to reduce the impact of information delivery on the wireless distribution system*. Pepe does not even appear to recognize that information delivery can impact the wireless distribution system.

Pepe, as described by the Examiner, does not teach or suggest Applicants' internetworking function element. Claim 1 is therefore patentable over Pepe. Claims 2-17, which depend from claim 1, are therefore also patentable over Pepe.

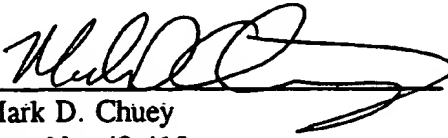
Independent claim 18 provides a method for delivering information to a wireless receiver/transceiver. Information for deliver is received. A time to deliver the information is determined *based on reducing the impact of information delivery on a wireless distribution system* in communication with the wireless receiver/transceiver. The information is delivered to the wireless distribution system and is wirelessly transmitted to the receiver/transceiver.

The Examiner rejected claim 18 "for similar reasons as stated above." As described above, Pepe neither teaches nor fairly suggests determining when to deliver information so as to reduce the impact of information delivery on the wireless network. Claim 18 is therefore patentable over Pepe. Claims 19-30, which depend from claim 18, are also patentable over Pepe.

Claims 1-30, as originally filed, are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance. No fee is believed due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 21-0456 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned regarding any aspect of this case.

Respectfully submitted,  
**BRIAN L. AREND et al.**

By   
Mark D. Chuey  
Reg. No. 42,415  
Attorney for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351